

2024.PHHC.148841



FAO-3611-2021 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(110)

FAO-3611-2021 (O&M)

Date of decision:- 14.11.2024

Sandeep Kumar Contractor

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Arun Bansal, Advocate (through VC)
for the appellant.

Ms. Amrita Garg, Assistant Advocate General, Punjab.

...

SUVIR SEHGAL, J. (Oral)

1. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short “the Arbitration Act”) assailing order dated 16.12.2021, passed by the learned Additional District Judge, Pathankot, whereby respondents were restrained from recovering the amount allegedly due from the petitioner.

2. State counsel has placed on record a copy of order dated 09.09.2024, passed by the learned Additional District Judge, Pathankot, which is reproduced as under:-

“CNR No: PBPO010030962021 CIS No: ARB/13/2021

Sandeep Kumar Contractor (Joint Venture) VS Punjab

State etc.



Present: Sh. Honey Mynee Advocate for the petitioner

Ms. Ambica Gupta, Ld. Govt. Pleader for respondents.

...

Ld. Counsel for the petitioner has suffered a statement to the effect that the Arbitrator has been appointed, so he does not want to proceed with the present application under Section 9 of the Arbitration and Conciliation Act. In view of the statement suffered by learned counsel for the petitioner, the present petition stands dismissed as withdrawn. File be consigned to the Record Room, Pathankot."

3. State counsel submits that as an Arbitrator has been appointed and ARB-415-2023, filed by the appellant, before this Court, has been withdrawn on 08.07.2024, the instant appeal has become infructuous.
4. Counsel for the appellant submits that as an Arbitrator has been appointed, appellant be granted liberty to raise all the pleas before the learned Arbitrator.
5. Dismissed as having been rendered infructuous.
6. Needless to mention here that it is open for the appellant to raise all the pleas before the learned Arbitrator.

(SUVIR SEHGAL)
JUDGE

14.11.2024
Pardeep

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No